

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MOE M. AL-DOLEMY,

Plaintiff,

Civil Case No. 21-10809
Honorable Linda V. Parker

v.

SAMER KATO, JOHN DOE 1,
JOHN DOE 2, and FBI DETROIT
FIELD OFFICE,

Defendants.

_____ /

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE’S OCTOBER
26, 2021 REPORT & RECOMMENDATION, SUMMARILY DISMISSING
PLAINTIFF’S CLAIMS AGAINST DEFENDANTS SAMER KATO AND
JOHN DOES 1 AND 2, AND TERMINATING THEM AS PARTIES**

Plaintiff commenced this lawsuit against Defendants on April 6, 2021, claiming that Defendants violated the Freedom of Information Act (FOIA) by failing to respond to his requests for information concerning his arrest in January 2017. The matter has been assigned to Magistrate Judge Jonathan J.C. Grey for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B).

On October 26, 2021, Magistrate Judge Grey issued a Report and Recommendation (“R&R”) recommending that the Court summarily dismiss

Plaintiff's claims against Defendants Samer Kato and John Does 1 and 2 under Federal Rule of Civil Procedure 12(b)(1). (ECF No. 25.) Magistrate Judge Grey finds that Plaintiff cannot state a viable claim against these individuals under FOIA and has not otherwise made any allegations against them. (*Id.* at Pg ID 131.)

At the conclusion of the R&R, Magistrate Judge Grey advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at Pg ID 132.) Magistrate Judge Grey further specifically advises the parties that "if a party fails to timely file specific objections, any further right of appeal is waived." (*Id.* (quoting *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1981).) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Grey. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED that Plaintiff's claims against Defendants Samer Kato and John Does 1 and 2 are summarily **DISMISSED** and these Defendants are **TERMINATED AS PARTIES** to this action.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: January 12, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, January 12, 2022, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan

Case Manager